

TERM GRAZING PERMIT - PARTS 1 AND 2
 (Reference FSM 2230)

 Page 1 of 21
 Permittee Number 07057

 Permit Number
 05752
PART 1
 Brad & Shelley Santucci of (b)(6) Prineville, OR 97754 hereinafter
 (Name of Permittee) (Post Office Address, Including Zip)

 called the permittee, is hereby authorized to graze livestock owned by the permittee upon designated lands administered by the Forest Service within the Ochoco (X appropriate box)
☒ National Forest ☐ National Grassland under the following terms and conditions:

1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached map dated 2002, which is part of this permit. (Strike out item or items not applicable.)

2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK			PERIOD OF USE		GRAZING ALLOTMENT
NUMBER	KIND	CLASS	FROM	TO	
340	Cattle	Cow-Calf	6/6	10/5	Mill Creek
2	Cattle	Cow-Calf	5/1	6/15	Lytle Creek
10	Cattle	Cow-Calf	5/1	6/15	Old Dry Creek

3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of Forest officers issued thereunder; or for knowingly and willingly making a false statement or representation in the permittee's grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 251, Subpart C.

4. This permit supersedes permit issued 3-30-2011 to Brad & Shelly Santucci

I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT

SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT

DATE

Shelley Santucci

3/23/2020

SIGNATURE OF FOREST OFFICER

NAME (PRINT)

TITLE

DATE

Slater K. Turner

Slater Turner

District Ranger

3/30/21

PART 2 - GENERAL TERMS AND CONDITIONS

- 1. Validation of Permit.** The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.
- 2. Bill for Collection.** Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.
- 3. Payment of Fees.** The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.
- 4. Administrative Offset and Credit Reporting.** Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or credit reporting agencies.
- 5. Interest, Penalty, and Administrative Costs.** Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.
- 6. Term of Permit.** This permit is effective until 12/31/2030 unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.
- In order to update terms and conditions, this permit may be cancelled at **any time** provided a **new permit** is **issued** to the existing permit holder for a new term of 10 years **following this update**.

7. Ownership Requirement

- (a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.
- (b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.

8. Range and Livestock Management

- (a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.
- (b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).
- (c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.
- (d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.
- (e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.
- (f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.
- (g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.
- (h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.
- (i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.

9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.

10. Protection. The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forests System.

11. General.

(a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

(b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.

(c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.

(d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.

(e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.

(f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 5 through 21 which follow.

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Special Terms and Conditions

Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation. (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

1. Maintenance of Range Improvements.

- a. This permit is accepted with the provision that the Permittees will maintain range improvements to standards of repair, orderliness and safety acceptable to the Forest Service, whether private or government owned, from which he derives a benefit and which are assigned to him for maintenance. The government retains a prerogative, however, of also maintaining or otherwise improving said improvements at the option of the Forest Officer. Improvements assigned to the Permittee are shown on the attached maps and in the Mill Creek Allotment Management Plan approved March 2011. The Permittee will also be responsible for maintaining those improvements assigned to him for maintenance in subsequent Allotment Management Plans or addendums, and permit modifications. If the Permittee applies for and had non-use approved, this approval will not relieve the Permittee of the responsibility for the maintenance stated below.

b. Mill Creek Allotment1. Fences/Corrals

Permittee is responsible for completing maintenance of assigned fences. The Permittees as members of this Association will ensure that their proportionate share of maintenance is performed on fences shown on the attached map, as amplified below:

- a. All pasture division (interior) fences.
- b. All loading ramps and wire pole corrals, to include those located near A-Y Spring, and at Cow Cabin Camp and below Wildcat Campground.
- c. Allotment boundary fence sections as follows:
 1. From Viewpoint southwest to Buck Spring.

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<u>Fence Miles</u>	<u>Infra No.</u>	<u>Location</u>	<u>Approx.</u>
Wildcat Pasture	F01540493	T.13S. R.18E. Sec 16 SW1/4	.5
Cow Cabin Camp Holding Pasture	F01540495	T.13S. R.17E. Sec 34 SE1/4	1.0
Jesse Spring Revenge Fence	F01540496	T.12S. R.18E. Sec 29 NW1/4 southeast to Sec 29 NW1/4 SE1/4 then northeast to T.12S. R.18E. Sec 28 NW1/4	1.9
West Fork Mill Creek Division	F01540497	T.12S. R.18E. Sec 31 SW1/4 NE1/4 east to T.13S. R.18E. Sec 4 NE1/4 SE1/4 then south To T.13S. R.18E. Sec 17 SE	4.5
Wildcat Viewpoint Fence	F01540500	T.13S. R.19E. Sec 7 NW1/4 SW1/4 northeast to T.12S. R.19E. Sec 28 SW1/4 SE1/4	3.5
Salt Butte Green Spring Division Fence	F01540501	T.12S. R.17E. Sec 27 NE1/4 SE1/4 south to T.13S. R.17E. Sec 11 NE1/4 SW1/4	3.5
Squirrel Ridge Division	F01540502	T.13S. R.17E. Sec 11 NE1/4 SW1/4 southeast to T.13S. R.18E. Sec 17 WE1/4 SE1/4	4.5
Green Mountain Division Fence	F01540503	T.13S. R.17E. Sec 18 NW1/4 SW1/4 east to T.13S. R.17E. Sec 11 NE1/4 SW1/4	
Harvey Gap Division Fence	F01540504	T.13S. R.17E. Sec 12 SW1/4 NE1/4 north to T.12S. R.18E. Sec 30 NE1/4 NE1/4	

<u>Water Developments</u>	<u>Infra No.</u>	<u>Location</u>
Salt Butte Pond	WS0154050282	T.12S. R.17E. Sec 27 SE1/4
Trail Meadow Pond	WS0154050283	T.12S. R.18E. Sec 23 SW1/4 NW1/4
Black Snag Spring	WS0154050437	T.13S. R.17E. Sec 6 SW1/4
Buckhorn Spring	WS0154050439	T.13S. R.17E. Sec 21 NW1/4 SE1/4
Butte Spring	WS0154010440	T.12S. R.17E. Sec 26 SE1/4
Cattleguard Spring	WS0154050441	T.12S. R.17E. Sec 20 NE1/4 SE1/4
Cox Spring	WS0154050442	T.13S. R.17E. Sec 35 NE1/4 NW1/4
Deadman Spring	WS0154050443	T.12S. R.17E. Sec 29 NE1/4
Desolation Spring	WS0154030444	T.12S. R.18E. Sec 36 NE1/4

Doe Spring WS0154050445 T.13S. R.18E. Sec 19 NW1/4 NE1/4
 Evans Spring WS0154050446 T.13S. R.17E. Sec 21 NE1/4 NW1/4

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<u>Water Developments</u>	<u>Infra No.</u>	<u>Location</u>
Fence Spring	WS0154050447	T.13S. R.17E. Sec 3 SE1/4 SW1/4
Foggy Spring	WS0154050447	
Forked Horn Spring	WS0154020449	T.13S. R.18E. Sec 9 NE1/4 SW1/4
Gulliford Spring	WS0154040451	T.13S. R.17E. Sec 29 SE1/4
Harvey Spring	WS0154010452	T.13S. R.17E. Sec 1 SW1/4 NE1/4
Hash Rock Spring	WS0154020453	T.13S. R.18E. Sec 6 NE1/4 NW1/4
Highland Spring	WS0154050454	T.12S. R.17E. Sec 20 SE1/4 SE1/4
Ice Spring	WS0154040455	T.13S. R.17E. Sec 16 NE1/4 SE1/4
Kidnap Spring	WS0154050457	T.13S. R.17E. Sec 23 NW1/4 SW1/4
Lemon Spring	WS0154040459	T.13S. R.17E. Sec 12 SE1/4
Lost Spring	WS0154040460	T.13S. R.17E. Sec 17 SE1/4
Mineral Spring		T.13S. R.17E. Sec 24 SW1/4
Mountain Spring	WS0154040462	T.13S. R.17E. Sec 14 NW1/4 NW1/4
Mud Spring	WS0154040463	T.13S. R.17E. Sec 19 SW1/4 SE1/4
No Name Spring	WS0154020464	T.13S. R.17E. Sec 19 SW1/4 SE1/4
Orchard Spring	WS0154050465	T.13S. R.17E. Sec 31 SW1/4
Otis Spring	WS0154030466	T.13S. R.18E. Sec 3 SE1/4
Pollock Spring	WS0154050469	T.13S. R.17E. Sec 6 NW1/4
Poppy Spring	WS0154050470	T.13S. R.17E. Sec 7 SW1/4 SE1/4
Rock Spring	WS0154030472	T.12S. R.18E. Sec 32 NE1/4
Sixty Spring	WS0154040473	T.13S. R.17E. Sec 20 NW1/4 SW1/4
Slayton Spring	WS0154040474	T.13S. R.17E. Sec 32 SE1/4
Strickland Spring	WS0154040476	T.13S. R.17E. Sec 14 SW1/4 NE1/4
Upper Does Spring	WS0154040477	T.13S. R.18E. Sec 18 SE1/4 SW1/4
Upper Jesse Spring	WS0154030478	T.12S. R.18E. Sec 29 NW1/4 NE1/4
Whiskey Spring	WS0154030479	T.12S. R.18E. Sec 28 NW1/4
White Spring	WS0154050480	T.13S. R.17E. Sec 33 NE1/4 SW1/4
White Tail Spring	WS0154040481	T.13S. R.17E. Sec 33 SE1/4
Yellowjacket Spring	WS0154040482	T.13S. R.17E. Sec 29 NW1/4 SW1/4
Sheepherders Spring	WS0154030483	T.12S. R.18E. Sec 25 SW1/4
McKay Spring		T.12S. R.17E. Sec 33 NE1/4 NW1/4
Crow Spring	WS0154050486	T.12S. R.17E. Sec 29 SE1/4 NE1/4
Trail Spring	WS0154040487	T.13S. R.17E. Sec 15 SE1/4
Page Spring	WS0154040488	T.13S. R.17E. Sec 15 SE1/4 NE1/4
Cracker Spring	WS0154050490	T.13S. R.17E. Sec 8 SE1/4
Willow Spring		T.13S. R.17E. Sec 8 NW1/4
Whistler Spring	WS0154030492	T.12S. R.19E. Sec 29 SW1/4
Lodgepole Spring		T.12S. R.18E. Sec 23 NW1/4
Mill Spring		T.13S. R.17E. Sec 32 NW1/4 NE1/4
Lincoln Spring		T.13S. R.17E. Sec 18 SW1/4
Jones Spring	WS0154050497	T.13S. R.17E. Sec 6 NE1/4 NE 1/4
Dron Spring	WS0154030288	T.12S. R.18E. Sec 33 SE1/4 NW 1/4

Bingham Spring
Circle Spring

WS0154030287
WS0154030511

T.12S. R.18E. Sec 23 NE1/4
T.12S. R.17E. Sec 20 SE1/4 S1/4

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Special Terms and Conditions (Continued)

2. Water Developments

The Permittee will maintain their proportionate share of those water developments shown in the management plan and those identified in subsequent permit modification and management plan addendums.

c. Lytle Creek, Old Dry Creek Allotments

The Permittee will maintain all improvements on these allotments, except for those fences maintained by the adjacent private land owners.

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SPECIAL PROVISIONS AND REQUIREMENTS

LYTLE CREEK ALLOTMENT ONLY

ON AND OFF. This permit provides for grazing a total of 100 head of cattle for period 5/1 to 6/15, on Forest Service administered land and land controlled by the permittee which together form a natural grazing allotment. The use by these livestock will be approximately 2 % on Forest Service administered land and 98 % on the lands controlled by the permittee.

The livestock will graze only upon the specified grazing allotment and only during the permitted grazing period. It is further understood and agreed that if the permittee allows grazing on this allotment in excess of the total number of animal months authorized, this provision shall become null and void irrespective of whether the permit is suspended or revoked. Any grazing use in excess of that authorized under permit, will be treated as unauthorized use.

The lands shown on the attached map constitute the "off" portion of this permit.

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SPECIAL PROVISIONS AND REQUIREMENTS

OLD DRY CREEK ALLOTMENT ONLY

ON AND OFF. This permit provides for grazing a total of 200 head of cattle for. The grazing period 5/1 to 6/15, on Forest Service administered land and land controlled by the permittee which together form a natural grazing allotment. The use by these livestock will be approximately 5 % on Forest Service administered land and 95 % on the lands controlled by the permittee.

The livestock will graze only upon the specified grazing allotment and only during the permitted grazing period. It is further understood and agreed that if the permittee allows grazing on this allotment in excess of the total number of animal months authorized, this provision shall become null and void irrespective of whether the permit is suspended or revoked. Any grazing use in excess of that authorized under permit, will be treated as unauthorized use.

The lands shown on the attached map constitute the "off" portion of this permit.

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Special Terms and Conditions

Management Practices. (List the specific management practices required of the permittee, such as salting, riding and movement of cattle, herding or bedding of sheep; or incorporate into the permit the specific allotment management plan or other document which outlines these practices in detail. If you need additional space, use next page.)

1. The Allotment Management Plan approved March 2011, and the Management Plan are attached and made a part of this permit. The Permittee is responsible for meeting the requirements set forth in these documents and subsequent plans and addendums. Annual operating plans will be provided to the Permittee each year and will be also considered a part of this permit.

2. Annual Validation Required

The Permittee will file an Application for Term Grazing Permit, with the District Ranger each year for validation of, or for changes from, the use specified in the paid permit. It shall be submitted by April 1st each year. Approval of the application, in whole or in part, by the District Ranger is a part of the permit validation procedure and will be verified in the ensuing bill for collection.

3. Livestock Grazed in Excess of the Numbers or Outside of the Period Of Use Authorized will be Considered in Trespass.

Livestock grazed in excess of authorized numbers or grazed outside the authorized period of use must be removed from the Forest. Forage consumed by the excess must be paid for at commercial grazing rates. Additional action may be taken under Part 1, Clause 3, of this permit.

4. Notice Required Before Livestock are Placed on National Forest

The Permittee will give the District Ranger at least five days notice whenever he intends to place livestock on the National Forest. If called upon to do so, he will provide for having the animals counted, tagged, or marked at the time they enter the Forest and counted at any time thereafter during the life of this permit.

5. The enclosed Fire Protection and Suppression measures are hereby made a part of this permit.

6. The Permittee shall repair all damages other than ordinary wear and tear to roads and trails in the National Forest caused by the permittee in the exercise granted by this permit.

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Management Practices. *Continued...*)

10. Holding Pastures

a. Wildcat Holding Pasture

1. Maximum period for holding cattle is one day.
2. Use is limited to the time cattle are being removed from the Mill Creek Allotment at the end of the grazing season.
3. Total use will not exceed proper use as determined by the Forest Officer in charge.

b. Cow Cabin Camp

1. Maximum period for holding cattle is one day.
2. Pack and saddle stock used on the Mill Creek Allotment, but not to exceed 4 head, may be held through the normal grazing season.
3. Total of Numbers 1 and 2 not to exceed proper use as determined by the Forest Officer in charge.
4. If and/or when the barn is removed, the Mill Creek Association will repair the existing corral and build that portion of the corral fence where the barn now sits.
5. A camp trailer to house the Mill Creek rider may be parked here during the normal grazing season.
6. The area will be maintained to standards or repair, orderliness, neatness, sanitation, and safety acceptable to the Forest Officer in charge.

11. Land Exchange

National Forest land within the Lytle Allotment is scheduled to be exchanged. At the time this exchange is completed, this land will no longer be under Forest Service control, and the allotment will be deleted from this permit.

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Management Practices *Continued...*

7. The base property for this grazing permit is as follows:

I. Township 14 South. Range 16 East, W.M.:

S $\frac{1}{2}$ S $\frac{1}{4}$ Sec. 8

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9

All that portion Sec. 17 of NE $\frac{1}{4}$ lying east of O.I.D. Canal: 120 acres

Changes in the ownership or cultural use of this property to the extent these changes affect the status of the term grazing permit or commensurability, must be applied for and approved in writing by the Forest Supervisor or other authorized officer.

8. This permit is conditional upon the following actions by the Permittee which must be completed prior to October 5, 1991:

- a. Payment of grazing fees for 352 head of owned cattle.
- b. Placement of the owned cattle on the Allotments shown on this permit.
- c. Meeting other terms and conditions of this permit.

When the Permittee meets the above requirements, this permit will no longer be considered conditional. Failure to meet these conditions will result in the cancellation of this permit.

9. Livestock placed on the Forest must be branded with marks shown on the Permittee's brand certificate.

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Special Terms and Conditions**Nondiscrimination**

In connection with the performance of work under this permit, the permittee shall not discriminate against any employee because of race, color, creed, or national origin.

The permittee and his employees shall not discriminate by segregation or otherwise against any person on the basis of race, color, creed, or national origin by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally.

The permittee shall include and require compliance with the above nondiscrimination provisions in any subcontract made with respect to the operations under this permit.

Management Practices. (List the specific management practices required of the permittee, such as salting, riding, and movement of cattle, herding or bedding of sheep; or incorporate into the permit the specific allotment management plan or other document, which outlines these practices in detail. If you need additional space, use next page.)

- 1) Project Design Criteria contained in the Joint Aquatic and Terrestrial Programmatic Biological Assessment (2006) are hereby incorporated as a part of the Term Grazing Permit. Future Project Design Criteria revisions are anticipated and will become a part of the Term Grazing Permit upon receipt by the permittee. Project Design Criteria are described and implemented through the Annual Operating Instructions and Allotment Management Plan. These Project Design Criteria apply to all Ochoco National Forest watersheds.
- 2) The Standards and Guidelines contained in the Ochoco National Forest Land and Resource Management Plan (1991) are hereby incorporated as a part of the Term Grazing Permit. Future Standards and Guidelines revisions are anticipated and will become a part of the Term Grazing Permit upon receipt by the permittee. Implementation of applicable Standards and Guidelines occur through the Allotment Management Plan and Annual Operating Instructions.

The following Standards and Guidelines taken from the Ochoco National Forest Land and Resource Management Plan (1991) are guiding principles to be used to bring the resources toward the Desired Future Conditions and are incorporated into this permit:

- a) Fall green-up after the regularly scheduled grazing season will be reserved for big game within Winter Range and General Forest Winter Range. Grazing extensions will generally not be permitted (4-143).
- b) Water temperatures within the North Fork of the Crooked River and its tributaries that are at or

above 58 degrees F will not be increased. Where stream temperatures exceed 58 degrees, management activities will include objectives for reducing temperatures to levels that will improve fish habitat capability (4-236).

- c) Stream channel cutbanks should not exceed an average of 20% for any given stream drainage (4-237).
- d) Plan no management activities in and around Class II and IV streams that contributed to the deterioration of water quality below standards set for downstream Class I and II Streams (4-237).
- e) The requirements for shade along streams will generally correspond to provisions for more than 80% of the surface shaded. Where this cannot be attained, 100% of the potential for shade is the standard (4-240).
- f) Maintain stream banks in a stable condition along at least 80% of the length of streams (4-241).
- g) Maintain at least 80% of the potential ground cover in grass-forb riparian communities. Retain at least 80% of the potential tree or shrub cover in riparian areas dominated by trees or shrubs (4-242).
- h) Seeps, springs, bogs, wet areas and any other unique habitats, often or generally less than 10 acres in size, will be identified and evaluated on a project level basis and given appropriate protection (4-250).

i) Allowable use of forage in riparian plant communities will not exceed the following (4-141):

Range Resource Management Level	Annual Utilization (%)			
	Grassland Communities		Shrubland Communities	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
B-Livestock use managed within current grazing capacity by riding, herding, herding salting, and cost-effective improvements used only to maintain stewardship of the range.	40	0-30	30	0-25
C-Livestock managed to achieve full utilization of allocated forage. Management systems designed to obtain distribution and maintain plant vigor include fencing and water development.	45	0-35	40	0-30
D-Livestock managed to optimize forage production and utilization. Cost-effective cultural practices improving forage supply forage use, and livestock distribution may be combined with fencing and water development to implement complex grazing systems.	50	0-40	50	0-35

j) Allowable use of forage in primary range plant communities will not exceed the following (4-141):

Range Resource Management Level	Annual Utilization (%)					
	Forested Communities		Grassland Communities		Shrubland Communities	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
B-Livestock use managed within current grazing	40	0-30	50	0-30	40	0-25

capacity by riding, herding, herding salting, and cost-effective improvements used only to maintain stewardship of the range.						
C-Livestock managed to achieve full utilization of allocated forage. Management systems designed to obtain distribution and maintain plant vigor include fencing and water development.	45	0-35	55	0-35	45	0-30
D-Livestock managed to optimize forage production and utilization. Cost-effective cultural practices improving forage supply forage use, and livestock distribution may be combined with fencing and water development to implement complex grazing systems.	50	0-40	55	0-40	50	0-35

- k) Riparian plant communities tend to be utilized before uplands and are typically the limiting factor in regards to utilization. Therefore, riparian areas will be monitored and once proper utilization has been reached, livestock will be removed to either the next pasture or off the allotment.

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Special Terms and Conditions (continued)

Other. (List the provisions and requirements deemed desirable pertaining to sheep band sizes, counting, tagging, dye branding, lambing, bucking, specific fire protection measures, etc.)

- 1) The permittee will give the District Ranger at least five days notice whenever he/she intends to place livestock on Ochoco National Forest.

The permittee will repair all damage other than ordinary wear and tear to roads and trails in Ochoco National Forest caused by the permittee in the exercise granted by this permit.

- 2) The Allotment Management Plan for Mill Creek, Lytle Creek and Old Dry Creek Allotments, dated 2011 and subsequent plans and revisions are hereby made a part of this grazing permit.
- 3) Consideration will be given to application for variable livestock classes or use periods on an annual basis. The associated decisions will be based on the probability that such variations will contribute toward meeting Allotment Management Plan resource objectives. Approval of such variations will be made by letter and identified in the Annual Operating Instructions.
- 4) The permittee will file an Application for Term Grazing Permit, with the District Ranger each year for validation of, or for changes from, the use specified in the paid permit. It shall be submitted by April 1, each year. Approval of the application, in whole or in part, by the District Ranger is a part of the permit validation procedure and will be verified in the ensuing bill of collection.
- 5) The permittee will submit an actual-use record at the end of each grazing season.
- 6) The following fire clauses on pages 11-14 of this document are made a part of this Term Grazing Permit.

FIRE PROTECTION AND SUPPRESSION
GRAZING PERMITTEES (2/99)

1. Fire Periods and Normal Precaution

Specific fire prevention measures are listed below and shall be effective for the period April 1 to October 31 of each year. The Authorized Forest Service Representative, hereafter called the "AFSR" may change the date of said period by advance written notice if conditions justify. Required tools and equipment shall be kept currently in serviceable condition and immediately available for initial attack on fires.

2. Substitute Measures

The AFSR may authorize substitute measures on equipments or may waive specific requirements during periods of low fire danger by notice in writing.

3. Emergency Measures

AFSR may require emergency measures, including the necessary closing down of equipment or portions of operations on the area during periods of fire emergency created by hazardous climatic conditions.

Permittee shall, both independently and in cooperation with the Forest Service, take all reasonable action to prevent and suppress fires in the area. Independent initial action shall be prompt and shall include the use of all persons and equipment at the permittee's disposal in the area.

5. Compliance with State Forest Laws

Listing of specific fire precautionary measures herein is not intended to relieve the permittee in any way from compliance with the State Fire Laws covering fire prevention and suppression equipment, applicable to operations under this permit.

6. Specific Fire Precautionary Measures are as follows:

a. Smoking and Fire

The permittee shall prohibit smoking and building of any fires except at established camps and other safe locations. Smoking shall be permitted at such locations only at the option of the permittee. Lunch, warming, and other fires will be permitted during the period of April 1 to October 31, subject to Industrial Fire Precaution Requirements.

b. Fire Extinguishers and Equipment on trucks, tractors, etc.

All pickups, panels, and passenger-carrying type motor vehicles regularly used in the operation; trucks, tractors, welding machines, compressors, fuel and water pumps; motor patrols and similar equipment, except portable fire pumps, shall be equipped with a fire extinguisher having a combined UL rating of at least 5BC and one long-handled, round-pointed shovel, 0 size or larger.

In addition, each truck, pickup, panel, passenger-carrying type vehicle and motor patrol shall be equipped with a double-bitted axe or pulaski having at least a 36" handle. Equipment required

shall be mounted to be ready for immediate use on all equipment. Equipment required in passenger cars may be placed to be readily available.

c. Power Saws

Each power saw operator shall be equipped with a pressurized chemical fire extinguisher of not less than 8 oz. capacity by net weight and one size 0, or larger, long-handled, round-pointed shovel. The extinguisher shall be kept in possession of the saw operator at all times. The shovel shall be located so that the operator may get the shovel and return to the saw operations in maximum time of one minute. Power saws should be moved not less than 20 feet from point of fueling before starting.

d. Extinguishers

One refill for each type or one extra extinguisher sufficient to replace each size extinguisher shall be stored in a safe place on the operation area so that it is readily available for replacement purposes.

e. Spark Arresters and Mufflers

Each internal combustion engine shall be equipped with a spark arrester qualified and rated under Forest Service Standard #1 unless it is:

- (a) Equipped with a turbine-driven exhaust supercharger such as the turbocharger.
- (b) A multi-position engine, such as on chain saws, and is equipped with a factory-designed mesh arrester or a muffler with staggered baffles or perforated metal baffles set so holes are staggered and is constructed with the escape outlet at a right angle to the exhaust port, or equipped with an arrester meeting the Forest Service Standard #1.
- (c) A portable fire pump equipped with factory-installed muffler.
- (d) A passenger-carrying vehicle or light truck equipped with a factory-designed muffler constructed with baffles and a tail pipe.
- (e) A heavy-duty truck, such as a dump or a log truck, used only on roads and is equipped with vertical stack exhaust system extending above the cab.

Exhaust equipment described in this subsection, including spark arresters and mufflers, shall be properly installed and constantly maintained in serviceable condition.

7. Watchperson for Power-Driven Equipment

A watchperson shall be provided at each operation area where power-powered driven or power saws have been operated during the day. The watchperson shall be constantly on duty for a period of time after the equipment is shut down. Refer to the Industrial Fire Precautions Schedule attached for the requirements of each specific precaution level.

The AFSR may modify or waive, in writing, any requirements of this section whenever the operation is not of sufficient duration of fire hazard to justify the requirements.

Each watchperson shall be physically able, vigilant, and suitably trained to detect and to promptly and efficiently take suppression action with available required firefighting equipment on any fire that starts on the area, and shall be competent to operate all fire and communications equipment.

Watchperson service on one area will satisfy the requirements on adjacent areas if the travel time with available transportation is not in excess of five minutes to any of the other areas requiring such service.

Permittee may, upon application to the AFSR, be relieved of this watchperson requirement when the predicted precautions class is at a safe level for the day such relief is sought.

EMERGENCY FIRE PRECAUTIONS. (2/99) Permittee shall restrict operations in accordance with the Industrial Fire Precaution Levels attached. Forest Service may change the Industrial Fire

Precaution Levels to other values upon revision of the National Fire Danger Rating System and may change the specific Industrial Fire Precaution Levels when such changes are necessary for the protection of the National Forest. When sent to Permittee, the revised Industrial Fire Precaution Levels will supersede the attached levels.

INDUSTRIAL FIRE PRECAUTIONS SCHEDULE

LEVEL	INDUSTRIAL FIRE PRECAUTION	(2/99)
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I. Closed Season - Fire precaution requirements are in effect. A Fire Watch/Fire Security is required at this and all higher levels unless otherwise waived.

II. Partial Hootowl - The following may operate only between the hours of 8 p.m. and 1 p.m. local time:

- power saws, except at loading sites;
- cable yarding;
- blasting;
- welding or cutting of metal.

III. Partial shutdown - The following are prohibited:

cable yarding - except that gravity operated logging systems employing non-motorized carriages may be operated between the hours of 8 p.m. and 1 p.m. local time when all blocks and moving lines are 10 feet or more above the ground, excluding the line between the carriage and the choker.

power saws - except at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.

In addition, the following are permitted between the hours of 8 p.m. and 1 p.m. local time:

tractor, skidder, feller-buncher, forwarder, or shovel logging operations where tractors, skidders or other equipment with a blade capable of constructing fireline are immediately available to quickly reach and effectively attack a fire start;

- mechanized loading or hauling of any product or material;
- blasting;
- welding or cutting of metal;
- any other spark-emitting operation not specifically mentioned.

IV. General shutdown - All operations are prohibited.

The following definitions shall apply to these Industrial Fire Precaution Levels:

Cable yarding systems: A yarding system employing cables and winches in a fixed position.

Closed Season (Fire Precautionary Period): That season of the year when a fire hazard exists and as described in A13.

Hauling: Where hauling involves transit through more than one shutdown zone/regulated use area, the precaution level at the woods site shall govern the level of haul restrictions, unless prohibited

by other than the Industrial Fire Precaution Level system.

Loading sites/woods site: A place where any product or material (including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc.) is placed in or upon a truck or other vehicle.

INDUSTRIAL FIRE PRECAUTIONS SCHEDULE

Advance written waiver of the above precautions may be issued by the Contracting Officer or Forest Service Representative.

Such waiver, or substitute precautions under B7.21, shall prescribe measures to be taken by Purchaser to reduce the risk of ignition, and/or the spread of fire. The Contracting Officer or Forest Service Representative shall consider site-specific weather factors, fuel conditions, and specific operations that result in less risk of fire ignition and/or spread than contemplated when precaution level was predicted. Consideration shall also be given to measures that reduce the precaution levels above. Purchaser shall assure that all conditions of such waivers or substitute precautions are met.

Purchaser shall obtain the predicted Industrial Fire Precaution Level from the appropriate Ranger District headquarters. If predictions made after 6:00 p.m., local time, are significantly different than originally estimated, Forest Service will inform Purchaser when changes in restrictions or industrial precautions are indicated.

TERM GRAZING PERMIT - PARTS 1 AND 2

(Reference FSM 2230)

Page **1** of **13**

Permittee Number

739445010602

Permit Number

05725**PART 1****Donald G. & Kimberly D. Vogel**

(Name of Permittee)

(Post Office Address, Including Zip)

called the permittee, is hereby authorized to graze livestock owned by the permittee upon designated lands administered by the Forest Service within the **Ochoco** (X appropriate box)

☒ National Forest ☐ National Grassland under the following terms and conditions:

1. Description of range. The livestock shall be grazed only upon the area described as follows: described on attached page and/or delineated on the attached map dated **07/12/2016**, which is part of this permit. (Strike out item or items not applicable.)

2. The number, kind, and class of livestock, period of use, and grazing allotment on which the livestock are permitted to graze are as follows, unless modified by the Forest Service in the Bill for Collection:

LIVESTOCK			PERIOD OF USE*		GRAZING ALLOTMENT
NUMBER	KIND	CLASS	FROM	TO	
16	Cattle	Cow/calf	04/20	8/28	Hereford/Steins
31	Cattle	Cow/calf	06/01	06/30	Craig

*Variable use periods and livestock classes/numbers will be authorized when such variance will materially contribute toward achieving allotment management plan and the Ochoco NF Land and Resource Management Plan goals and objectives.

3. It is fully understood and agreed that this permit may be suspended or cancelled, in whole or in part, after written notice, for failure to comply with any of the terms and conditions specified in Parts 1, 2, and 3 hereof, or any of the regulations of the Secretary of Agriculture on which this permit is based, or the instructions of Forest officers issued thereunder; or for knowingly and willingly making a false statement or representation in the permittee's grazing application, and amendments thereto; or for conviction for failure to comply with Federal laws or regulations or State and local laws relating to livestock control and to protection of air, water, soils and vegetation, fish and wildlife, and other environmental values when exercising the grazing use authorized by the permit. This permit can also be cancelled, in whole or in part, or otherwise modified, at any time during the term to conform with needed changes brought about by law, regulation, Executive order, allotment management plans, land management planning, numbers permitted or seasons of use necessary because of resource conditions, or the lands described otherwise being unavailable for grazing. Any suspension or cancellation action may be appealed pursuant to 36 CFR 251, Subpart C.

4. This permit supersedes permit **03/25/2015** to **DeBaca Land and Cattle Company** issued

I HAVE REVIEWED AND ACCEPT THE TERMS OF THIS PERMIT**SIGNATURE OF PERMITTEE OR HIS AUTHORIZED AGENT****DATE***Donald Vogel**12/20/16***SIGNATURE OF FOREST OFFICER****NAME (PRINT)****TITLE****DATE***Clayton C. S. D.**for Slater R. Turner**District Ranger**12/20/16*

PART 2 - GENERAL TERMS AND CONDITIONS

1. Validation of Permit. The issuance of a Bill for Collection, payment of fees and actual turning on at least 90 percent of livestock the first grazing season after the permit is issued will validate this permit for the number, kind, and class of livestock, grazing allotment, and period of use for the particular year.

2. Bill for Collection. Each year, after validation and prior to the beginning of the grazing season, the Forest Service will send the permittee a Bill for Collection specifying for the current year the kind, number, and class of livestock allowed to graze, the period of use, the grazing allotment, and the grazing fees. This bill, when paid, authorizes use for that year and becomes part of this permit.

3. Payment of Fees. The permittee will not allow owned or controlled livestock to be on Forest Service-administered lands unless the fees specified in the Bill for Collection are paid.

4. Administrative Offset and Credit Reporting. Pursuant to 31 USC 3716 and CFR Part 3, Subpart B, any monies that are payable or may become payable from the United States, under this permit, to any person or legal entity not an agency or subdivision of a State or local government may be subject to administrative offset for the collection of a delinquent debt the person or legal entity owes to the United States. Information on the person's or legal entity's responsibility for a commercial debt or delinquent consumer debt owed the United States shall be disclosed to consumer or credit reporting agencies.

5. Interest, Penalty, and Administrative Costs. Pursuant to 31 USC 3717 and 7 CFR Part 3, Subpart B, interest shall be charged on any payment or fee amount not paid within 30 days from the date the payment was due. Interest shall be charged using the most current rate prescribed by the United States Department of the Treasury Fiscal Requirements Manual (TFRM-6-8020.20). Interest shall accrue from the date the payment was due. In addition, in the event the account becomes delinquent, administrative costs may be assessed. A penalty of 6 percent per year shall be assessed on any payment or fee amount overdue in excess of 90 days from the date the first billing was due. Payments will be credited on the date received by the designated collection officer or deposit location. If the due date(s) for any of the above payments falls on a non-workday, the charges shall not apply until the close of business on the next workday.

6. Term of Permit. This permit is effective until 12-31-2025 unless waived, cancelled, or otherwise terminated as provided herein. The permittee has first priority for receipt of a new permit at the end of the term subject to modification deemed necessary by the Forest Service.

In order to update terms and conditions, this permit may be cancelled at **any time** provided a **new permit** is **issued** to the existing permit holder for a new term of 10 years **following this update**.

7. Ownership Requirement

(a) Only livestock owned by the permittee are authorized to graze under this permit. To exercise use of the permit, the permittee will furnish all evidence of ownership requested by the Forest Service. Livestock purchased and subsequently sold back to the original owner, or to an agent, assignee, or anyone representing or acting in concert with the original owner, within a 24-month period without prior written approval by the Forest officer in charge will not be considered valid ownership of the livestock.

(b) Base property owned and used by the permittee to qualify for a term grazing permit must meet minimum base property requirements approved by the officer in charge.

8. Range and Livestock Management

(a) The allotment management plan for the land described on page 1, Part 1 is part of the permit, and the permittee will carry out its provisions, other instructions, or both as issued by the Forest officer in charge for the area under permit and will require employees, agents, and contractors and subcontractors do likewise.

(b) The number, kind, and class of livestock, period of use, and grazing allotment specified in the permit may be modified when determined by the Forest Officer in charge to be needed for resource protection. Except in extreme emergencies where resource conditions are being seriously affected by livestock use or other factors, such as fire, drought, or insect damage, notice of a scheduled reduction of numbers of livestock or period of use under a term permit will be given one (1) full year before a modification in permitted numbers or period of use becomes effective. This does not apply to annual adjustment in grazing as provided for in Section 8(c).

(c) When, in the judgment of the Forest Officer in charge, the forage is not ready to be grazed at the beginning of the designated grazing season, the permittee, upon request of the Forest officer, will defer placing livestock on the grazing allotment to avoid damage to the resources. The permittee will remove livestock from Forest Service-administered lands before the expiration of the designated grazing season upon request of the Forest officer when it is apparent that further grazing will damage the resources.

(d) The permittee will allow only the numbers, kind, and class of livestock on the allotment during the period specified in Part 1 hereof or the annual Bill for Collection, including any modifications made as provided for in Section 8(c). If livestock owned by the permittee are found to be grazing on the allotment in greater numbers, or at times or places other than permitted in Part 1 hereof, or specified on the annual Bill for Collection, the permittee shall be billed for excess use at the unauthorized use rate and may face suspension or cancellation of this permit.

(e) The permittee will not allow owned or controlled livestock to be upon any area of Forest Service-administered lands not described in either Part 1 hereof or the annual Bill for Collection.

(f) The Forest officer in charge may, at any time, place or fasten or require the permittee to place or fasten upon livestock covered by this permit appropriate marks or tags that will identify them as livestock permitted to graze on lands administered by the Forest Service. When requested by the Forest officer, the permittee will, at any time during the permitted period of use, including entry and removal dates, gather permitted livestock to enable an accurate count to be made thereof. The Forest Service may, at its option, gather and hold for counting all livestock grazing on the allotment.

(g) Only livestock marked, tagged, or branded as shown in the application upon which this permit is based, and as may be required under Section 8(f), will be allowed to graze under this permit unless the permittee has advance written approval from the Forest officer in charge to do otherwise.

(h) The permittee will pay the costs of, perform, or otherwise provide for the proportionate share of cooperative improvements and management practices on the permitted area when determined by the Forest officer in charge that such improvements and practices are essential to proper protection and management of the resources administered by the Forest Service.

(i) This permit is issued and accepted with the provision that the permittee will maintain all range improvements, whether private or Government-owned, that are assigned for maintenance to standards of repair, orderliness, and safety acceptable to the Forest Service. Improvements to be maintained and acceptable to maintenance are specified in Part 3 of this permit. The Government may maintain or otherwise improve said improvements when, in its opinion, such action will be to its advantage.

9. Nonuse. At least 90 percent of the livestock permitted must be grazed each year, unless the Forest officer in charge approves nonuse. Failure to place livestock on the allotted range/pasture without approved nonuse may result in cancellation of the term grazing permit in whole or in part.

10. Protection. The permittee, or the permittees' agents and employees, when acting within the scope of their employment, and contractors and subcontractors will protect the land and property of the United States and other land under jurisdiction of the Forest Service covered by and used in conjunction with this permit. Protection will include taking all reasonable precautions to prevent, make diligent efforts to suppress, and report promptly all fires on or endangering such land and property. The permittee will pay the United States for any damage to its land or property, including range improvements, resulting from negligence or from violation of the provisions and requirements of this permit or any law or regulation applicable to the National Forests System.

11. General.

(a) The Forest officer in charge may at any time require the permittee to give good and sufficient bond to insure payment for all damage or costs to prevent or mitigate damages sustained by the United States through the permittee's failure to comply with the provisions and requirements of this permit or the regulations of the Secretary on which it is based.

(b) This permit will be cancelled, in whole or in part, whenever the area described in this permit is withdrawn from the National Forest System by land exchange, modification of boundaries, or otherwise, or whenever the area described in this permit is to be devoted to a public purpose that precludes grazing.

(c) The permittee will immediately notify the Forest officer in charge of any change in control of base property, ownership of livestock, or other qualifications to hold this grazing permit.

(d) The permanent improvements constructed or existing for use in conjunction with this permit are the property of the United States Government unless specifically designated otherwise or covered by a cooperative agreement. They will not be removed nor compensated for upon cancellation of this permit, except in the National Forests in the 16 contiguous Western States when cancelled, in whole or in part, to devote land to another public purpose including disposal. In the event of such cancellation on the National Forests in the 16 Contiguous Western States, the permittee will be compensated for the adjusted value of approved range improvements installed or placed by him.

(e) The permittee may not transfer, assign, lease, or sublet this permit in whole or part.

(f) This permit includes the terms and conditions of Part 3 hereof, consisting of page 5 through 13 which follow.

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GRAZING PERMIT - PART 3
(Reference FSM 2230)Page **5** of **13**Permittee Number
739445010602Permit Number
05725**Special Terms and Conditions**

Responsibilities for Construction and Maintenance of Structural Improvements or for Range Rehabilitation. (List the specific responsibilities of the permittee; or incorporate into the permit the cooperative agreement, management plan or other document which sets forth these responsibilities in detail. Fully identify the particular document or documents.)

1) **Maintenance of Range Improvements:**

This permit is accepted with the provision that the permittee will maintain range improvements to standards of repair, orderliness, and safety acceptable to the Forest Service, whether private or government owned from which he/she derives a benefit and which are assigned to him/her for a maintenance period. When permittee applies for and receives approval for non-use, this approval does not relieve the permit holder of the responsibility of annual improvement maintenance. The government retains a prerogative, however, of also maintaining or otherwise improving said improvements at the option of the Forest Officer. Assignments of maintenance responsibilities are shown on 2200-10a of this permit and are further identified on the map, which is a part of this permit. The permittee, **Donald G. & Kimberly D. Vogel**, will maintain improvements as specified on the attached map of Steins and Craig Allotments, which is a part of this permit.

a) **Fence Maintenance Responsibility:**

i) Hereford/Steins Allotment:

<u>Fence</u>	<u>Infra No.</u>	<u>Location</u>	<u>Approx. Miles</u>
Hereford Pasture Division Fence	F01657102	From T13S, R17E, SESE quarter of Section 26 north to the southern half of Section 24, then east to 33 road in T13S, R18E, NWNE quarter of Section 30	2.1
Stein's Allotment Boundary Fence	F01657131	From T13S, R18E, SW corner of Section 32 northeast to NENE quarter, then east-northeast to 28/33 Section boundary.	2.0
Wildcat Mountain Pasture Division Fence	F01650505	From private land boundary fence in T13S, R18E, NWNE quarter of Section 20 northeast to 20/21 Section boundary, then southeast to SWSE quarter of Section 22.	2.25
Pillar Fence	F01650500	From private land boundary fence in T1 ³ 1S, R18E, NE quarter of Section 30 northeast to SW quarter of Section 20, then southeast to private land boundary fence corner at 20/29 Section boundary.	.6

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GRAZING PERMIT - PART 3
(Reference FSM 2230)Page **6** of **13**

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05725**Special Terms and Conditions**

ii) Craig Allotment:

<u>Fence</u>	<u>Infra No.</u>	<u>Location</u>	<u>Approx. Miles</u>
Craig Boundary Fence	F01410512	From T13S, R17E, SE corner of Section 35 west along southern Section boundary	0.25

b) Water Development Maintenance Responsibility:

i) Hereford/Steins Allotment:

<u>Water Development</u>	<u>Infra No.</u>	<u>Location</u>
Burke Spring	0165070489	T13S, R18E, Section 21, SESW
Steins Spring	0165070475	T13S, R18E, Section 30, NENE
King Spring	0165070458	T13S, R18E, Section 28, NWSW
Pillar Spring	0165070468	T13S, R18E, Section 31, NENE
Autumn Spring	0165070627	T13S, R17E, Section 35, SESE

ii) Craig Allotment:

<u>Water Development</u>	<u>Infra No.</u>	<u>Location</u>
Chichi Spring	0141010628	T14S, R17E, Section 1, SENE

USDA - FOREST SERVICE

GRAZING PERMIT - PART 3
(Reference FSM 2230)

Page **7** of **13**
 Permittee Number
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05725
Special Terms and Conditions

Management Practices: (List specific management practices required of the permittee(s), such as salting, riding and movement of cattle, herding or bedding of sheep; or incorporate into the permit specific allotment management plan or other document, which outlines these practices in detail. If you need additional space, use the next page.)

- 1) Project Design Criteria contained in the **Joint Aquatic and Terrestrial Programmatic Biological Assessment (2006)** are hereby incorporated as a part of the Term Grazing Permit. Future Project Design Criteria revisions are anticipated and will become a part of the Term Grazing Permit upon receipt by the permittee. Project Design Criteria are described and implemented through the Annual Operating Instructions and Allotment Management Plan. These Project Design Criteria apply to all Ochoco National Forest watersheds.
- 2) The Standards and Guidelines contained in the **Ochoco National Forest Land and Resource Management Plan (1991)** are hereby incorporated as a part of the Term Grazing Permit. Future Standards and Guidelines revisions are anticipated and will become a part of the Term Grazing Permit upon receipt by the permittee. Implementation of applicable Standards and Guidelines occur through the Allotment Management Plan and Annual Operating Instructions.

The following Standards and Guidelines taken from the Ochoco National Forest Land and Resource Management Plan (1991) are guiding principles to be used to bring the resources toward the Desired Future Conditions and are incorporated into this permit:

- a) Fall green-up after the regularly scheduled grazing season will be reserved for big game within Winter Range and General Forest Winter Range. Grazing extensions will generally not be permitted (4-143).
- b) Water temperatures within the North Fork of the Crooked River and its tributaries that are at or above 58 degrees F will not be increased. Where stream temperatures exceed 58 degrees, management activities will include objectives for reducing temperatures to levels that will improve fish habitat capability (4-236).
- c) Stream channel cutbanks should not exceed an average of 20% for any given stream drainage (4-237).
- d) Plan no management activities in and around Class II and IV streams that contributed to the deterioration of water quality below standards set for downstream Class I and II Streams (4-237).
- e) The requirements for shade along streams will generally correspond to provisions for more than 80% of the surface shaded. Where this cannot be attained, 100% of the potential for shade is the standard (4-240).
- f) Maintain stream banks in a stable condition along at least 80% of the length of streams (4-241).
- g) Maintain at least 80% of the potential ground cover in grass-forb riparian communities. Retain at least 80% of the potential tree or shrub cover in riparian areas dominated by trees or shrubs (4-242).
- h) Seeps, springs, bogs, wet areas and any other unique habitats, often or generally less than 10 acres in size, will be identified and evaluated on a project level basis and given appropriate protection (4-250).

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- i) Allowable use of forage in riparian plant communities will not exceed the following (4-141):

Range Resource Management Level	Annual Utilization (%)			
	Grassland Communities		Shrubland Communities	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
B-Livestock use managed within current grazing capacity by riding, herding, herding salting, and cost-effective improvements used only to maintain stewardship of the range.	40	0-30	30	0-25
C-Livestock managed to achieve full utilization of allocated forage. Management systems designed to obtain distribution and maintain plant vigor include fencing and water development.	45	0-35	40	0-30
D-Livestock managed to optimize forage production and utilization. Cost-effective cultural practices improving forage supply forage use, and livestock distribution may be combined with fencing and water development to implement complex grazing systems.	50	0-40	50	0-35

- j) Allowable use of forage in primary range plant communities will not exceed the following (4-141):

Range Resource Management Level	Annual Utilization (%)					
	Forested Communities		Grassland Communities		Shrubland Communities	
	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory	Satisfactory	Unsatisfactory
B-Livestock use managed within current grazing capacity by riding, herding, herding salting, and cost-effective improvements used only to maintain stewardship of the range.	40	0-30	50	0-30	40	0-25
C-Livestock managed to achieve full utilization of allocated forage. Management systems designed to obtain distribution and maintain plant vigor include fencing and water development.	45	0-35	55	0-35	45	0-30
D-Livestock managed to optimize forage production and utilization. Cost-effective cultural practices improving forage supply forage use, and livestock distribution may be combined with fencing and water development to implement complex grazing systems.	50	0-40	55	0-40	50	0-35

- k) Riparian plant communities tend to be utilized before uplands and are typically the limiting factor in regards to utilization. Therefore, riparian areas will be monitored and once proper utilization has been reached, livestock will be removed to either the next pasture or off the allotment.

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- 3) The Allotment Management Plans for the **STEINS** and the **CRAIG** Allotments; signed by the Permittee(s) on **March 15, 2011** and approved by **Slater R. Turner** on **April 4, 2011**, are hereby incorporated as part of the Term Grazing Permit.
- Salt and protein blocks will be placed at ¼ mile from perennial water and at least 500 feet away from other riparian areas, eroding areas, stream channels, water sources, and scabland habitat. Supplements will be located away from known infestations of noxious weeds (map provided at AOI). Supplements will also be located away from known high value or complex cultural/heritage sites. Exceptions must be authorized by the Forest Service and documented in the Annual Operating Instructions (AOI).
 - Range Readiness and Turn-on is based on stubble height and soil moisture conditions.
 - Scheduled pasture movements are established by the plan and recorded annually at the AOI. Actual moves will be determined, to the extent practical, by on-the-ground conditions.
 - Ninety percent of the herd needs to be moved within 5 days of the scheduled off date for a pasture, or in the case of the last unit, off the allotment. Concurrent occupancy of two or more pastures, for more than a reasonably necessary period during pasture moves (generally no more than five days), must be authorized by the Forest Service and documented within the AOI. Livestock remaining on the Forest after the end of the authorized season will be billed at the unauthorized use rate, and may be cause for suspension and/or cancellation action to be taken against the permit.
 - Any dead livestock will be moved to a location greater than 200 feet from water and out of view from roads, trails, or other areas of concentrated public use.
 - All heavy equipment (for range improvement maintenance) is required to be cleaned of all soil and plant parts prior to coming onto National Forest System lands. Also, mineral material used for range improvements will be obtained from a weed-free source.

Other. (List the provisions and requirements deemed desirable pertaining to sheep band sizes, counting, tagging, dye branding, lambing, bucking, specific fire protection measures, etc.)

- The permittee will give the District Ranger at least five days notice whenever he/she intends to place livestock on Ochoco National Forest.
- The permittee will repair all damage other than ordinary wear and tear to roads and trails in Ochoco National Forest caused by the permittee in the exercise granted by this permit.
- Consideration will be given to application for variable livestock classes or use periods on an annual basis. The associated decisions will be based on the probability that such variations will contribute toward meeting Allotment Management Plan resource objectives. Approval of such variations will be made by letter and identified in the AOI.
- The permittee will file an Annual Authorized Use Request, with the District Ranger each year for validation of, or for changes from, the use specified in the paid permit. It shall be submitted by April 1, each year. Approval of the application, in whole or in part, by the District Ranger is a part of the permit validation procedure and will be verified in the ensuing bill of collection.
- The permittee will submit an actual-use record at the end of each grazing season.
- The following fire clauses on pages 10-13 of this document are made a part of this Term Grazing Permit.

FIRE PROTECTION AND SUPPRESSION
GRAZING PERMITTEES (2/99)

1. Fire Periods and Normal Precaution

Specific fire prevention measures are listed below and shall be effective for the period April 1 to October 31 of each year. The Authorized Forest Service Representative, hereafter called the "AFSR" may change the date of said period by advance written notice if conditions justify. Required tools and equipment shall be kept currently in serviceable condition and immediately available for initial attack on fires.

2. Substitute Measures

The AFSR may authorize substitute measures on equipments or may waive specific requirements during periods of low fire danger by notice in writing.

3. Emergency Measures

AFSR may require emergency measures, including the necessary closing down of equipment or portions of operations on the area during periods of fire emergency created by hazardous climatic conditions.

Permittee shall, both independently and in cooperation with the Forest Service, take all reasonable action to prevent and suppress fires in the area. Independent initial action shall be prompt and shall include the use of all persons and equipment at the permittee's disposal in the area.

4. Compliance with State Forest Laws

Listing of specific fire precautionary measures herein is not intended to relieve the permittee in any way from compliance with the State Fire Laws covering fire prevention and suppression equipment, applicable to operations under this permit.

5. Specific Fire Precautionary Measures are as follows:

a. Smoking and Fire

The permittee shall prohibit smoking and building of any fires except at established camps and other safe locations. Smoking shall be permitted at such locations only at the option of the permittee. Lunch, warming, and other fires will be permitted during the period of April 1 to October 31, subject to Industrial Fire Precaution Requirements.

b. Fire Extinguishers and Equipment on trucks, tractors, etc.

All pickups, panels, and passenger-carrying type motor vehicles regularly used in the operation; trucks, tractors, welding machines, compressors, fuel and water pumps; motor patrols and similar equipment, except portable fire pumps, shall be equipped with a fire extinguisher having a combined UL rating of at least 5BC and one long-handled, round-pointed shovel, 0 size or larger.

In addition, each truck, pickup, panel, passenger-carrying type vehicle and motor patrol shall be equipped with a double-bitted axe or pulaski having at least a 36" handle. Equipment required shall be mounted to be ready for immediate use on all equipment. Equipment required in passenger cars may be placed to be readily available.

c. Power Saws

Each power saw operator shall be equipped with a pressurized chemical fire extinguisher of not less than 8 oz. capacity by net weight and one size 0, or larger, long-handled, round-pointed shovel. The extinguisher shall be kept in possession of the saw operator at all times. The shovel shall be located so that the operator may get the shovel and return to the saw operations in maximum time of one minute. Power saws should be moved not less than 20 feet from point of fueling before starting.

d. Extinguishers

One refill for each type or one extra extinguisher sufficient to replace each size extinguisher shall be stored in a safe place on the operation area so that it is readily available for replacement purposes.

e. Spark Arresters and Mufflers

Each internal combustion engine shall be equipped with a spark arrester qualified and rated under Forest Service Standard #1 unless it is:

- (i) Equipped with a turbine-driven exhaust supercharger such as the turbocharger.
- (ii) A multi-position engine, such as on chain saws, and is equipped with a factory-designed mesh arrester or a muffler with staggered baffles or perforated metal baffles set so holes are staggered and is constructed with the escape outlet at a right angle to the exhaust port, or equipped with an arrester meeting the Forest Service Standard #1.
- (iii) A portable fire pump equipped with factory-installed muffler.
- (iv) A passenger-carrying vehicle or light truck equipped with a factory-designed muffler constructed with baffles and a tail pipe.
- (v) A heavy-duty truck, such as a dump or a log truck, used only on roads and is equipped with vertical stack exhaust system extending above the cab.

Exhaust equipment described in this subsection, including spark arresters and mufflers, shall be properly installed and constantly maintained in serviceable condition.

7. Watchperson for Power-Driven Equipment

A watchperson shall be provided at each operation area where power-power driven or power saws have been operated during the day. The watchperson shall be constantly on duty for a period of time after the equipment is shut down. Refer to the Industrial Fire Precautions Schedule attached for the requirements of each specific precaution level.

The AFSR may modify or waive, in writing, any requirements of this section whenever the operation is not of sufficient duration of fire hazard to justify the requirements.

Each watchperson shall be physically able, vigilant, and suitably trained to detect and to promptly and efficiently take suppression action with available required firefighting equipment on any fire that starts on the area, and shall be competent to operate all fire and communications equipment.

Watchperson service on one area will satisfy the requirements on adjacent areas if the travel time with available transportation is not in excess of five minutes to any of the other areas requiring such service.

Permittee may, upon application to the AFSR, be relieved of this watchperson requirement when the predicted precautions class is at a safe level for the day such relief is sought.

EMERGENCY FIRE PRECAUTIONS. (2/99) Permittee shall restrict operations in accordance with the Industrial Fire Precaution Levels attached. Forest Service may change the Industrial Fire Precaution Levels to other values upon revision of the National Fire Danger Rating System and may change the specific Industrial Fire Precaution Levels when such changes are necessary for the protection of the National Forest. When sent to Permittee, the revised Industrial Fire Precaution Levels will supersede the attached levels.

INDUSTRIAL FIRE PRECAUTIONS SCHEDULE

LEVEL	INDUSTRIAL FIRE PRECAUTION	(2/99)
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I. Closed Season - Fire precaution requirements are in effect. A Fire Watch/Fire Security is required at this and all higher levels unless otherwise waived.

II. Partial Hootowl - The following may operate only between the hours of 8 p.m. and 1 p.m. local time:

- power saws, except at loading sites
- cable yarding
- blasting
- welding or cutting of metal

III. Partial shutdown - The following are prohibited:

- Cable yarding - except that gravity operated logging systems employing non-motorized carriages may be operated between the hours of 8 p.m. and 1 p.m. local time when all blocks and moving lines are 10 feet or more above the ground, excluding the line between the carriage and the choker.
- Power saws - except at loading sites and on tractor/skidder operations between the hours of 8 p.m. and 1 p.m. local time.
- In addition, the following are permitted between the hours of 8 p.m. and 1 p.m. local time:
 - Tractor, skidder, feller-buncher, forwarder, or shovel logging operations where tractors, skidders or other equipment with a blade capable of constructing fireline are immediately available to quickly reach and effectively attack a fire start
 - Mechanized loading or hauling of any product or material
 - Blasting
 - Welding or cutting of metal
 - Any other spark-emitting operation not specifically mentioned.

IV. General shutdown - All operations are prohibited.

- The following definitions shall apply to these Industrial Fire Precaution Levels:
 - Cable yarding systems: A yarding system employing cables and winches in a fixed position.
 - Closed Season (Fire Precautionary Period): That season of the year when a fire hazard exists and as described in A13.
 - Hauling: Where hauling involves transit through more than one shutdown zone/regulated use area, the precaution level at the woods site shall govern the level of haul restrictions, unless prohibited by other than the Industrial Fire Precaution Level system.
 - Loading sites/woods site: A place where any product or material (including but not limited to logs, firewood, slash, soil, rock, poles, posts, etc.) is placed in or upon a truck or other vehicle.

INDUSTRIAL FIRE PRECAUTIONS SCHEDULE

Advance written waiver of the above precautions may be issued by the Contracting Officer or Forest Service Representative.

Such waiver, or substitute precautions under B7.21, shall prescribe measures to be taken by Purchaser to reduce the risk of ignition, and/or the spread of fire. The Contracting Officer or Forest Service Representative shall consider site-specific weather factors, fuel conditions, and specific operations that result in less risk of fire ignition and/or spread than contemplated when precaution level was predicted. Consideration shall also be given to measures that reduce the precaution levels above. Purchaser shall assure that all conditions of such waivers or substitute precautions are met.

Purchaser shall obtain the predicted Industrial Fire Precaution Level from the appropriate Ranger District headquarters. If predictions made after 6:00 p.m., local time, are significantly different than originally estimated, Forest Service will inform Purchaser when changes in restrictions or industrial precautions are indicated.

Steins and Craig Allotments

